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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	ATTORNEY DOCKET NO. CONFIRMATION NO.	
10/617,715	07/14/2003	Kurt Schulz	1284 US 4184		
20346	7590 11/17/2004		EXAMINER		
	Y SYSTEMS, INC.	TO, TOAN C			
PATENT DEP	'ARTMENT K BREED HIGHWAY	ART UNIT	PAPER NUMBER		
	FL 33811-1130	•	3616		
			DATE MAILED: 11/17/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	on No.	Applicant(s)	701			
Office Action Summary		10/617,7	15	SCHULZ, KURT				
		Examiner		Art Unit				
		Toan C To		3616				
Ti Period for R	he MAILING DATE of this communic eply	ation appears on the	cover sheet with the c	orrespondence addres	ss			
A SHOR' THE MAI - Extension: after SIX ( - If the perio - If NO perio - Failure to Any reply	TENED STATUTORY PERIOD FO LING DATE OF THIS COMMUNIC s of time may be available under the provisions of MONTHS from the mailing date of this communication for reply specified above is less than thirty (30) od for reply is specified above, the maximum state reply within the set or extended period for reply we received by the Office later than three months aftent term adjustment. See 37 CFR 1.704(b).	CATION.  f 37 CFR 1.136(a). In no even nication.  days, a reply within the statutory period will apply and witill, by statute, cause the app	ent, however, may a reply be timutory minimum of thirty (30) days ill expire SIX (6) MONTHS from lication to become ABANDONEI	nely filed s will be considered timely, the mailing date of this commu O (35 U.S.C. § 133).	unication.			
Status								
1)⊠ Re	sponsive to communication(s) filed	l on <u>14 July 2003</u> .						
2a)☐ Thi	is action is <b>FINAL</b> .	b) This action is n	on-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition	of Claims							
4a) 5)□ Cla 6)□ Cla 7)□ Cla	aim(s) 1-17 is/are pending in the ap Of the above claim(s) is/are aim(s) is/are allowed. aim(s) is/are rejected. aim(s) is/are objected to. aim(s) 1-17 are subject to restriction	e withdrawn from co						
Application	Papers							
10)□ The App Rep	e specification is objected to by the e drawing(s) filed on is/are: plicant may not request that any object placement drawing sheet(s) including to e oath or declaration is objected to	a) accepted or b) ion to the drawing(s) be the correction is require	ne held in abeyance. See ed if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1	` '			
Priority unde	er 35 U.S.C. § 119							
a)	Certified copies of the priority of Certified copies of the priority of	locuments have bee locuments have bee f the priority docume al Bureau (PCT Rul	n received. n received in Application ents have been receive e 17.2(a)).	on No ed in this National Sta	ge			
2) Notice of I	References Cited (PTO-892) Draftsperson's Patent Drawing Review (PT on Disclosure Statement(s) (PTO-1449 or P (s)/Mail Date		4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	ite	2)			

## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: represented by figure 2

Species 2: represented by figure 5

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, it appears no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Mr. Drayer, Lonnie on October 29, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (703) 306-5951. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo

November 6, 2004